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File No. Regis II/52 (R).

Legal Department

B. **BRANCH** p 21

Subject:— Rules under the Indian Registration Act, 1908

File No. Registoation II/52 (R).

Gen. 194 e.

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The view taken by the Inspector General of Registration in his letter of 10th January 1952 at p. 71 ante is not correct. Under section 34(3)(b) of the Indian Registration Act, 1908, the Registering Officer has to satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document. Section 69(2)(j) of the Act empowers the Inspector General of Registration to make rules consistent with the Act generally regulating the proceedings of the Registrars and Sub-Registrars. The Bombay Registration Rules, 1946, have been made under section 69 of the Act. Rule 49(4) of these Rules as it existed originally provided as follows : "When a Registratin Officer is acquainted either with the person admitting execution of a document or with the witness to his indentity, he shall make a note in the endorsement to that effect. If the Registration Officer is not acquainted with the executant and nb witness with whom the Registering Office is acquainted is produced to identify the executant, the Registering Officer shll examine any two witnesses produced by the executant to prove his identity. In the alternative case referred to in this rule an obligatory duty had already been cast on the Registering Officer to examine any two witnesses produced by the executant to prove his identity. This rule as amended provides for one more alternative method, namely, to examine on oath the executant and one witness produced by the executant to prove his identity. If the Sub-Registrar follows either of the two methods now provided for in rule 49(4), it would be absurd to suppose that th courts trying cases of fraudulent identifications and false ~~personalities~~ personations would hold the Sub-Registrar who had ordered the registration of document to be an abettor. In following either of the two method namely, (1) examine any two witnesses produced by the executant to prove his identity, or (2) examining on oath the executant and one

witness produced by the executant to prove his identity, the Registering Officer would be complying with the requirements of the statutory rule and it will not, therefore, be possible to charge him with any offence as apprehended by the Inspector General of Registration. Section 86 of the Indian Registration Act, 1908, gives protection to the Registering Officer from any suit, claim or demand for anything done in good faith. So also any act of the Registering Officer done in accordance with the Registration Act or rules thereunder will not be an offence(See sec. 79, Indian Penal Code).

The amendments as suggested by the Inspector General of Registration are not therefore necessary.

Id./..... 10/3

Additional Secretary to Government.

U.O. to R.D., No. 3791, dated the 11th March 1958.

SMR 14-8-56
4 Copies.